

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

<hr/> JAMES R. HENSON, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> BARCZY, et.al., <div style="text-align: center;">Defendants.</div> <hr/>	} } } } } } } } } } } }	 No. 07 CV 50223 Honorable Frederick J. Kapala, District Judge Magistrate Judge P. Michael Mahoney
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MOTION TO WITHDRAW

Attorney James W. Mertes, appointed counsel for Plaintiff, moves that the Honorable Court shall enter an Order granting leave to withdraw as attorney of record for and on behalf of the Plaintiff, James R. Henson, and in support of such Motion counsel states as follows:

1. At all times relevant and material hereto, the Plaintiff, James R. Henson, was and is an inmate incarcerated by the Illinois Department of Corrections, and specifically imprisoned at the Pinckneyville Correctional Center in Pinckneyville, Illinois.

2. On November 13, 2007, the Plaintiff filed his *pro se* Complaint wherein he appeared to allege a civil rights action pursuant to 42 U.S.C. §1983 against certain correctional officers, officials, and a psychiatrist at the Dixon Correctional Center in Dixon, Illinois.

3. On January 3, 2008, the Honorable Frederick J. Kapala, United States District Judge, appointed Attorney Gregory E. Tuite to represent the plaintiff in accordance with counsel's trial bar obligations pursuant to Local Rule 83.37 of the United States District Court for the Northern District of Illinois.

4. On February 8, 2008, the Honorable P. Michael Mahoney, granted Attorney Tuite's Motion to Withdraw from representation on behalf of the Plaintiff, and appointed Attorney James W. Mertes to represent the Plaintiff in accordance with counsel's trial bar obligations pursuant to Local Rule.

5. Attorney Mertes has thoroughly reviewed all pleadings and court documents filed in the above-entitled cause, in addition to those pleadings filed by the same *pro se* Plaintiff in separate federal civil causes of action, namely, James R. Henson vs. McHenry County Sheriff's Department, et.al., U.S. District Court Case No. 03 CV 50480 (Northern District of Illinois—Western Division) and James R. Henson vs. Donald N. Snyder, et.al., U.S. District Court Case No. 03 CV 02157 (Central District of Illinois).

6. On February 23, 2008, within 15 days of his appointment, Attorney Mertes and an associate attorney travelled to Pinkneyville, Illinois and personally met with the Plaintiff, James R. Henson, at the Pinckneyville Correctional Center, for the purpose of further investigating the alleged facts and theories underlying Plaintiff's asserted claims.

7. Following his investigation of the Plaintiff's claims, Attorney Mertes has been unable to identify any claim or cause of action on the part of the Plaintiff that could be properly asserted within an Amended Complaint filed in accordance with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Attorney James W. Mertes reports to the Honorable Court that he is unable to file an Amended Complaint in accordance with Rule 11 of the Federal Rules of Civil Procedure, and therefore respectfully requests that the Honorable Court shall enter an Order granting him leave to withdraw as attorney of record for Plaintiff.

_____/s James W. Mertes
James W. Mertes
Attorney for Plaintiff

CERTIFICATE OF SERVICE

(via United States Mail)

James W. Mertes, attorney for Plaintiff, does hereby state and certify that the foregoing Motion to Withdraw was served by placing the same into an operative post office box of the United States Post Office located in Rock Falls, Illinois, on March 7, 2008, in a sealed envelope with postage properly pre-paid and properly addressed to the following:

Mr. James R. Henson, Inmate No. N70390
Pinckneyville Correctional Center
5835 State Route 154
P.O. Box 999
Pinckneyville, IL 62274

/s James W. Mertes

James W. Mertes

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